

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

RONALD S. HEDLUND,

Plaintiff,

MEMORANDUM & ORDER
16-CV-3215 (MKB) (LB)

v.

NEW YORK CITY TRANSIT AUTHORITY and
NACHUM LEVIN, M.D.,

Defendants.

MARGO K. BRODIE, United States District Judge:

Plaintiff Ronald S. Hedlund, proceeding *pro se*, commenced the above-captioned action against Defendants New York City Transit Authority and Nachum Levin, M.D. alleging employment discrimination and retaliation in violation of the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* (“ADA”). (Compl., Docket Entry No. 1.) On September 26, 2017, Magistrate Judge Lois Bloom ordered Plaintiff to serve Defendants with the Summons and Complaint by October 26, 2017, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, or show good cause why he did not timely serve Defendants. (Order dated Sept. 26, 2017, Docket Entry No. 4.)

By report and recommendation dated December 12, 2017, Judge Bloom recommended that the Court dismiss this action without prejudice because Plaintiff failed to provide proof of service or show good cause why service was not timely effected on Defendants, (the “R&R”). (R&R 1, Docket Entry. No. 5.) No party has objected to the R&R.

A district court reviewing a magistrate judge’s recommended ruling “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “Failure to object to a magistrate judge’s report and recommendation

within the prescribed time limit ‘may operate as a waiver of any further judicial review of the decision, as long as the parties receive clear notice of the consequences of their failure to object.’” *Sepe v. N.Y. State Ins. Fund*, 466 F. App’x 49, 50 (2d Cir. 2012) (quoting *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997)); *see also Almonte v. Suffolk Cty.*, 531 F. App’x 107, 109 (2d Cir. 2013) (“As a rule, a party’s failure to object to any purported error or omission in a magistrate judge’s report waives further judicial review of the point.” (quoting *Cephas v. Nash*, 328 F.3d 98, 107 (2d Cir. 2003))); *Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C.*, 596 F.3d 84, 92 (2d Cir. 2010) (“[A] party waives appellate review of a decision in a magistrate judge’s report and recommendation if the party fails to file timely objections designating the particular issue.” (citations omitted)).

The Court has reviewed the unopposed R&R and, finding no clear error, the Court adopts the R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1). Accordingly, the Court dismisses this action without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

SO ORDERED:

s/ MKB

MARGO K. BRODIE
United States District Judge

Dated: October 10, 2018
Brooklyn, New York